

CLERKS OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED
JUL 24 2023
LAURA A. AUSTIN, CLERK
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

UNITED STATES OF AMERICA

V.

QUENTIN DWAYNE McNEBB,

Defendant.

[illegible]

Case No. 4:12CR00001-004

OPINION

JUDGE JAMES P. JONES

The defendant, previously convicted in this court, has filed a pleading in this case entitled, “MOTION OF OBJECTION OF MOTION TO AMEND ORIGINAL,” ECF No. 472, in which he seeks to have the sentence vacated and his conviction expunge, as well obtaining money damages.

On August 21, 2012, McNebb pleaded guilty to conspiring to possess with intent to distribute marijuana and possessing a firearm in furtherance of a drug-trafficking crime that caused the death of a person. On February 19, 2013, the court sentenced him to 240 months in prison.

In 2014, McNebb filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. The court denied relief, finding that his claims were either waived under the Plea Agreement or were without merit. *United States v. McNebb*, No. 4:12-cr-00001-4, 2014 WL 3563900 (W.D. Va. July 18, 2014), *appeal dismissed*, 590 F. App'x 284 (4th Cir. 2015) (unpublished). In June 2017, McNebb

filed a second § 2255 motion, ECF No. 346, that the court summarily dismissed as successive under 28 U.S.C. § 2255. ECF No. 356 (Aug. 1, 2017). Earlier this year, McNebb filed a motion similar to the present one. Construing it as a motion under § 2255, the court dismissed it as successive. ECF No. 471 (July 5, 2023).

McNebb offers no indication that he has obtained certification from the court of appeals to pursue his current motion as an authorized second or successive § 2255 motion. Therefore, construing his motion as under § 2255, I must dismiss it for lack of jurisdiction.

A separate Final Order will be entered herewith.

DATED: July 24, 2023

/s/ JAMES P. JONES
Senior United States District Judge